

**GENERAL STATUTES**  
*of*  
**MINNESOTA**  
**1923**

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PUBLISHED UNDER THE AUTHORITY OF  
LAWS OF 1923, CHAPTER 95,  
APPROVED MARCH 26TH, 1923

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COMPILED AND EDITED BY  
HUBERT HARVEY, OF THE ST. PAUL BAR

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PUBLISHER  
REVIEW PUBLISHING COMPANY  
ST. PAUL, 1924

9961. To be appointed for four years—The term of office of the public defender shall be four (4) years, but he may be re-appointed as often as the majority of the judges of the district court shall concur in such re-appointment. ('17 c. 496 § 5)

9962. Given power to appoint and remove assistants—He shall have the power to appoint and remove his assistants and number and compensation of which shall be fixed by the judges of the district court, by an order filed with the county auditor. Their compensation shall be paid by the county in the same manner and at the same time as the salaries of other county officials. ('17 c. 496 § 6)

9963. To appear for criminals who have plead guilty on information—The public defender shall also appear for and on behalf of criminals who shall have pleaded guilty on information as provided in section 9162, General Statutes of 1913, in counties now or hereafter having a population of 300,000 or over. ('17 c. 496 § 7)

9964. Depositions for accused—Upon cause shown to the court in which any criminal action is pending, a judge thereof may by order allow depositions of witnesses on behalf of the prisoner to be taken in the

same manner and in like cases where they may be taken in civil actions; and the depositions so taken may be used upon the trial of the defendant, in his behalf, as depositions are now allowed and used in civil actions; but the expense attending the taking and return thereof shall be paid by the defendant, except when otherwise directed by the court, by order duly entered upon its minutes. (4790) [8514]

13-341, 315.

9965. Acquittal on part of charge—Whenever any person indicted for felony is acquitted by verdict of part of the offense charged and convicted on the residue, such verdict may be received and recorded by the court, and thereupon he shall be adjudged guilty of the offense, if any, which appears to be substantially charged by the residue of the indictment, and sentenced accordingly. (4791) [8515]

9966. Acquittal—When a bar—Whenever a defendant shall be acquitted or convicted upon an indictment for a crime consisting of different degrees, he cannot thereafter be indicted or tried for the same crime in any other degree, nor for an attempt to commit the crime so charged, or any degree thereof. (4792) [8516]

## CHAPTER 95

### CRIMES AGAINST THE SOVEREIGNTY OF THE STATE

9967. Treason—Every person who shall commit treason against the state shall be punished by imprisonment in the state prison for life. (4793) [8517]  
Petit treason does not exist in this state (3-246, 169).

9968. Misprision of treason—Every person having knowledge of the commission of treason, who conceals the same, and does not, as soon as may be, disclose such treason to the governor or a judge of the supreme or a district court, shall be guilty of misprision of treason, and punished by a fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding five years, or in a common jail not exceeding two years. (4794) [8518]

9969. Levying war—To constitute levying war against the state, an actual act of war must be committed. To conspire to levy war is not enough. Where persons rise in insurrection, with intent to prevent, in general, by force and intimidation, the execution of a statute of the state, or to force its repeal, they shall be guilty of levying war. But an endeavor, although by numbers and force of arms, to resist the execution of a law in a single instance and for a private purpose, is not levying war. (4795) [8519]

9970. Wilful neglect of official duty—Whenever any duty is enjoined by law upon any public officer or person holding public trust or employment, every wilful neglect to perform such duty, and every malfeasance in office, for the punishment of which no special provision has been made, shall be a gross misdemeanor, and punished by fine and imprisonment. (4796) [8520]

9971. Acting in public office without having qualified—Every person who performs any of the functions of a public office without having executed and duly filed the required security shall be guilty of a gross misdemeanor, and, in addition to the punishment pre-

scribed therefor, he shall forfeit his right to the office. (4797) [8521]

139-144, 165+962.

9972. False reports declared unlawful—It shall be unlawful when the United States is at war, from and after the passage of this act, for any person within the confines of this state wilfully to make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or of this state, or to promote the success of the enemies of the United States, or wilfully to make or convey false reports or false statements, or say or do anything, except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States, or the making of loans by or to the United States. ('19 c. 93 § 1)

'19 c. 93 § 5, provides that this act shall supersede the provisions of '17 c. 463, as to all offenses committed subsequent to the passage thereof, but shall not affect offenses committed prior thereto. See 139-270, 166+181; 140-203, 167+547; 140-350, 168+24; 140-413, 168+591; 141-264, 169+700; 141-494, 169+790; 142-328, 171+931; 143-24, 172+777; 143-52, 172+919; 143-204, 173+426; 147-128, 179+646; 149-5, 182+773; 252 Fed. 216.

9973. Insubordination, etc., declared unlawful—It shall be unlawful when the United States is at war for any person within the confines of this state wilfully to cause or attempt to cause, or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States or of this state, or wilfully to obstruct or attempt to obstruct the recruiting or enlistment service of the United States or of this state. ('19 c. 93 § 2)

9974. Other acts declared unlawful—It shall be unlawful when the United States is at war for any per-

son within the confines of this state wilfully to utter, print, write or publish any disloyal, profane, scurrilous, or abusive language about the form of government, or the constitution, or the military or naval forces, or the flag, or the uniform of the army or navy, whether of the United States or of the state of Minnesota, or any language intended to bring the form of government, or the constitution, or the military or naval forces, or the flag, or the uniform of the army or navy, whether of the United States or of the state of Minnesota, into contempt, scorn, contumely, or disrepute, or wilfully to utter, print, write or publish any language intended to incite, provoke, or encourage resistance to the United States or the state of Minnesota, or to promote the cause of its enemies, or wilfully to display the flag of any foreign enemy, or wilfully by utterance, printing, writing, publication or language spoken, urge, incite or advocate any curtailment of production in this country of any thing or things, product or products necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war; and it shall be unlawful for any person wilfully to advocate, teach, defend or suggest the doing of any of the acts or things in this section enumerated; and it shall be unlawful for any person within the confines of this state, by word or act, to support or favor the cause of any country with which the United States is at war; or by word or act to oppose the cause of the United States therein. ('19 c. 93 § 3)

9975. **Punishment**—Any person violating any provision of this act shall be punished by a fine of not more than \$10,000 or imprisonment in the state prison

or the county jail for not more than twenty years, or both. ('19 c. 93 § 4)

'17 c. 463, making it a criminal offense to advocate that men should not enlist in the military forces or aid in prosecuting the war, does not infringe the constitutional provision conferring upon Congress the power to raise armies, nor the constitutional provision preserving freedom of speech and of the press, and is not abrogated or superseded by the act of Congress of June 15, 1917, known as the Espionage Act. (139-267, 166+181). 141-263, 169+790. See 254 U. S. 326. 65 L. E. 287, 41 S. C. 125, 143-203, 173+425.

9976. **Unlawful for non-citizen of United States to carry fire arms or explosives**—It shall be unlawful for any citizen or subject of any nation with which the United States is at war, and who has not declared his intention to become a citizen of the United States, to have in his possession or under his control any fire-arms of any kind or nature whatsoever, or any explosives of any kind or nature whatsoever, or the necessary ingredients of any explosives from which explosives could be manufactured. Provided, however, that any person, having in his possession or in his control any such forbidden article shall have five (5) days from and after the passage of this act to dispose of the same. ('17 c. 435 § 1)

9977. **Violation a gross misdemeanor**—Any person violating any provision of this act shall be guilty of gross misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or by imprisonment in any county jail in this state for not less than sixty (60) days nor more than one year, or by both. ('17 c. 435 § 2)

9978. **Police officers authorized to make arrests**—Any police officer of this state is hereby authorized to summarily arrest any person violating any of the provisions of this act. ('17 c. 435 § 3)

9979  
159-NW 511  
199-NW 427

CHAPTER 96

CRIMES AGAINST PUBLIC JUSTICE

BRIBERY AND CORRUPTION

9979. **Definitions**—The following words and terms, as used in this chapter, shall be construed as follows: The word "juror" shall include a talesman, and extend to jurors in all courts, whether of record or not, in special proceedings, and before any officer authorized to impanel a jury in any case or proceeding; the word "prison" shall mean any place designated by law for the keeping of persons held in custody under process of law or under lawful arrest; the word "prisoner," any person held in custody under process of law or under lawful arrest; the term "subornation of perjury" shall mean the wilful procuring or inducing another to commit perjury; the term "common barratry" shall mean the practice of exciting groundless judicial proceedings. (4798) [8522]

Subornation of perjury defined (85-19, 88+22).

9980. **Bribery of public officer or legislator**—Every person who gives or offers a bribe to any executive or administrative officer of the state, with intent to influence him in respect to any act, decision, vote, opinion, or other proceeding as such officer; or who gives, offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a member of the legislature, or attempts, directly or indirectly, by menace, deceit, suppression of truth, or other corrupt

means, to influence such member to give or withhold his vote, or to absent himself from the house of which he is a member, or from any committee thereof; or who gives, offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a judicial officer, juror, referee, arbitrator, appraiser, or assessor, or other person authorized by law to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereupon; or who gives, offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a person executing any of the functions of a public office, other than those hereinbefore specified, with intent to influence him in respect to any act, decision, vote, or other proceeding in the exercise of his powers or functions—shall be punished by imprisonment in the state prison not exceeding ten years, or by fine not exceeding five thousand dollars, or by both. (4799) [8523]

1. **What constitutes**—The essential elements of the crime of offering a bribe to a juror or judicial officer include knowledge on the part of the accused of the official character or capacity of the person to whom the bribe is offered, the fact that the thing offered is something of value, and that it is offered with the intent to influence the officer's official action (66-309, 68+1096).

2. **Indictment**—An indictment for offering a bribe to a juror must allege that the person to whom the bribe